

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	Art Unit:	2445
James P. Ketrenos et al.	§		
	§	Examiner:	Adnan Mirza
Serial No.: 09/466,113	§		
	§	Conf. No.:	9791
Filed: December 17, 1999	§		
	§	Atty Docket:	ITL0248US
For: Distributed File System	§		P7373
Including Multicast Retrieval	§		
	§	Assignee:	Intel Corporation

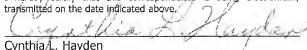
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REPLY BRIEF

This replies to the Examiner's Answer.

The Examiner's Answer now makes understandable the basis for the Examiner's position. As argued in the Appeal Brief, it is clear there is no separate portion of the file system, in the cited reference, that is identified as being a portion streamed to the client by the server. Apparently, now the Examiner points out that, in fact, this is true, but argues that one skilled in the art would simply refuse to adhere to the claim language and would assume that where there is a portion called for in the claim, it would simply read on any undifferentiated part of the system. Sec Answer at page 7, third and second lines from bottom of page.

For example, claim 1 calls for identifying whether "the portion" is stored in a first location associated with portions of the file that have been previously stored or, if not, determining whether the portion is stored in a second location associated with portions of the file that were streamed to the client by a server. The Examiner concedes that the reference does not have a first or a second location, but believes the limitations can simply be read out of the claim because one skilled in the art would not believe that portions could exist. Certainly, this is

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indicia of non-obviousness, not obviousness, and it is clear that claimed elements are missing and have simply been read out of the claim in the Examiner's application of the reference.

Therefore, the rejection should be reversed.

It is believed that the Board has the authority to allow the case. In view of the history of this case on appeal and on pre-appeal review, it is respectfully requested that the Board indicate that the case should be allowed.

Respectfully submitted,

Date: November 16, 2009



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